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ORDER SHEET
WPO No.1578 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

BIKASH CHANDRA ROY & ANR.
VS.
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 12th March, 2024.

Appearance:
Mr. Sabyasachi Chatterjee, Adv.
Mr. Omar Faruk Gazi, Adv.
Mr. Akashdeep Mukherjee, Adv.
... for the Petitioners.

Mr. Alak Kumar Ghosh, Adv.
Mr. Atis Kumar Biswas, Adv.
... for KMC.

Mr. Yash Vardhan Deora, Adv.
...for State.

The Court:- Learned advocate representing the Corporation submits, upon instruction that, as on date there is no bar for transferring the newly constructed portion allocated to a tenant to any party whatsoever. Accordingly, the restriction imposed upon the petitioners in transferring the portion allocated to the tenant by means of sale or gift within five years from the date of issuance of the completion certificate, is liable to be struck down. The aforesaid restriction is, as such, set aside.

It will be open for the petitioners or the tenant to transfer the portion of the newly constructed structure in accordance with law.

The petitioners will be at liberty to deposit the amount as mentioned in the demand notice in the office of the Kolkata Municipal Corporation who shall accept the same by issuance of proper receipt thereof.

On receiving the payment as per the demand dated 20th July, 2023, the Corporation shall issue sanction plan in favour of the petitioners at the earliest.

There is no further issue that is required to be decided in the instant writ petition. The writ petition stands disposed of.

Instruction forwarded by the Executive Engineer, Building Department, Borough-II of the Kolkata Municipal Corporation signed on 12.03.2024 be retained with the records.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all legal formalities.

(AMRITA SINHA, J.)

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